

IN THE SENATE OF THE UNITED STATES.

JANUARY 4, 1858.—Ordered to be printed.

MR. BENJAMIN made the following

REPORT.

*The Committee on Private Land Claims, to whom was referred the memorial of Henry Volcker, praying a confirmation of his title to a tract of land in New Mexico, have had the same under consideration, and submit the following report:*

On the 5th day of January, 1846, the land commissioners for the then republic of Texas issued the following certificate for 640 acres of land, as a "head right," to one Simon Prado, to wit:

"REPUBLIC OF TEXAS, }  
County of Bexar. } 640 acres. No. 169, 2d class.

"This is to certify that Simon Prado has appeared before us, the board of land commissioners for the county aforesaid, and proved according to law that he arrived in this republic previous to the 1st of October, 1837; that he is a single man, and has resided in the same three years, and performed all the duties required of him as a citizen, and having never received a certificate for the quantity of land for which he applies, is entitled to six hundred and forty acres of land.

"Given under our hands at the city of San Antonio, this fifth day of January, A. D. 1846.

"DAVID MORGAN, *Chief Justice,*  
"*and ex officio President Board Land Commissioners.*

"THOMAS WHITEHEAD,

"JAS. B. LEE,

"*Associate Commissioners.*

"Attest: THOS. H. O. S. ADDOCKS,

"*Clerk County Court and ex officio*

"*Clerk Board Land Commissioners.*"

The said Simon Prado, by deed dated January 5, 1846, assigned all his right and title of the said certificate, No. 169, to one George Voss, of the county of Bexar and republic of Texas. The said Voss, by deed dated January 6, 1846, assigned all his right and title to the said certificate to one Arnold Henckel; and said Henckel, by deed

dated November 10, 1846, assigned all his right in and to the said certificate to one A. W. Schumann, who, by deed dated January 14, 1851, conveyed all his right and title in and to the said certificate, No. 169, together with all the rights and privileges that had been acquired, or thereafter to be acquired, by virtue of the said certificate; all of which transfers and assignments appear, from duly certified copies of the conveyances, respectively, as above set forth.

The said certificate was located upon the public lands of the State of Texas, and surveyed on the 22d day of July, 1850, as appears from a duly certified copy of the original survey, which is in the following words and figures, to wit:

STATE OF TEXAS, }  
District of Bexar. } Survey No. 38.

*Field-notes of a survey of 640 acres of land made for George H. Paschal, it being the land to which he is entitled by virtue of land certificate No. 169, second class, issued by the board of land commissioners for Bexar county, to Simon Prado, on the 5th day of January, A. D. 1846.*

Said survey is No. 38, in section No. 15, situated on the table-lands or plain between the Rio Grande and the Pecos river. Beginning at a mound of earth raised for the northwest corner of this survey, 25 miles and 900 varas east, and 209 miles and 1,625 varas north, from the southwest corner of survey No. 1, made by Robert B. Hays, at the crossing of the Rio Grande at El Paso, from which another mound of earth bears east 10 varas; thence east 1,255 varas, entered the valley of the Salt Lake, known as "La Salina," 1,900 varas, to a mound of earth on the bank of said lake, raised for the northeast corner of this survey, from which another mound of earth bears south 10 varas; thence south 1,900 varas, crossing the eastern projection of said valley to a mound of earth raised for the southeast corner of this survey, from which another mound of earth bears north 10 varas; thence west 1,900 varas, to a mound of earth raised for the southwest corner of this survey; thence north 1,900 varas, to the place of beginning, so as to cover and include said Salt Lake. Surveyed July 22, 1850.

Bearings marked. No timber near.

BERNARDO MCGUIRE,  
TENAS NASH,  
*Chain Carriers.*

I, Joel L. Ankrim, deputy surveyor for Bexar district, do hereby certify that the survey designated by the foregoing plat and field-notes was made according to law, and that the limits, boundaries, and corners of the same, together with the marks, natural and artificial, are truly described therein.

JOEL L. ANKRIM,  
*Deputy Surveyor, Bexar District.*

I, I. S. McDonald, district surveyor for Bexar district, do hereby certify that I have examined the foregoing plat and field-notes, and

find them correct, and that they are recorded in my office, in book A, No. 5, page 367.

I. S. McDONALD,  
*District Surveyor, Bexar District.*

SAN ANTONIO, *November 16, 1850.*

By an act of Congress of the republic of Texas, approved December 19, 1836, the western boundary of Texas was declared to extend to the Rio Grand river. By a map prepared under the direction of the War Office, from the most reliable authorities, in 1844, the Rio Grande, also, is laid down as the western boundary of Texas. After the annexation of Texas to the United States, this government recognized the boundaries of Texas, as defined by the said act of Congress of the republic of Texas, approved December 19, 1836. So that, at the date of the certificate from the board of commissioners to a period beyond the time of the location and survey by the proper officer, this land, covered by the said location and survey, was within the territory belonging to Texas, and was subject to location and settlement under authority from said State. We find, then, that under a certificate of location, issued by the proper authorities, a location and survey had been made upon the public lands of Texas, and that the said Simon Prado, or those claiming under him, only required the patent, to which he was legally entitled, to give a complete title to such tract of land. This patent the State of Texas would have been bound, in good faith, to have issued, and would have done so, undoubtedly, but for the short period elapsing between the survey and the passage of the act of Congress, approved September 9, 1850, by virtue of which that part of the territory of Texas, in which this tract of land was situate, was relinquished to the United States.

That this government is bound by law and good faith to confirm such inchoate titles in a territory acquired from another power, which such power, under the laws, usages, and customs thereof, would have confirmed had such territory continued in their possession, is a question so well settled, both by the laws of nations and the decisions of the Supreme Court of the United States, (see 4 Peters, 512; 7 Peters, 87, and 10 Peters, 330,) that your committee do not deem it necessary to discuss the question.

The government of the United States, by virtue of said act, approved September 9, 1850, having become possessed of the territory in which the tract of land is situate, is therefore bound to confirm the title of the petitioner to the same extent as the State of Texas would have done had she continued in possession thereof.

The committee have therefore directed me to report a bill confirming the title, so far as the United States is concerned, and saving the rights of any third parties, and respectfully recommend its passage.

THE  
JOURNAL  
OF THE  
AMERICAN  
MEDICAL ASSOCIATION  
PUBLISHED WEEKLY  
CHICAGO, ILL., MAY 1, 1913  
Vol. 10, No. 19  
Price, Five Cents  
Subscription Price, \$5.00 per Annum in Advance  
Entered as Second-Class Matter, October 3, 1911, Post Office at Chicago, Ill., under No. 100,000. Accepted for mailing at special rate of postage provided for in Act of October 3, 1917. Authorized for mailing at special rate of postage provided for in Act of October 3, 1917. Postmaster: Send address changes to JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION, 535 N. Dearborn St., Chicago, Ill.

THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION is published weekly, except on Sundays and public holidays. It is published for the American Medical Association, 535 N. Dearborn St., Chicago, Ill. The Association was organized in 1847, and has since that time been the leading organization of the medical profession in this country. Its purpose is to advance the science and art of medicine, to promote the health of the people, and to protect the public interest. The Journal is one of the most important organs of the Association, and is read by every physician in this country. It contains the latest news and information in the medical profession, and is a valuable source of information for all who are interested in the progress of medicine.

The Journal is published by the American Medical Association, 535 N. Dearborn St., Chicago, Ill. The Association was organized in 1847, and has since that time been the leading organization of the medical profession in this country. Its purpose is to advance the science and art of medicine, to promote the health of the people, and to protect the public interest. The Journal is one of the most important organs of the Association, and is read by every physician in this country. It contains the latest news and information in the medical profession, and is a valuable source of information for all who are interested in the progress of medicine.